

REMARKS

The Office Action dated March 25, 2009, has been carefully considered. In response thereto, the present paper is being submitted. In view of this paper, it is believed that the application is in condition for allowance. Accordingly, reconsideration and withdrawal of the outstanding rejections and issuance a Notice of Allowance are respectfully requested.

Summary of the Claims

Claims 1-15 pending in the present application. Claims 1, 13, and 14 are being amended. No claims are being added or cancelled. Thus, upon entry of this paper in the record, claims 1-15 will be pending.

Summary of the Office Action

In the Office Action, claims 1-12, 14, and 15 have been rejected under 35 U.S.C. § 101 as not being directed to statutory subject matter. Claims 1-4, 14, and 15 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 13 has been rejected under 35 U.S.C. § 112, second paragraph, for failing to provide adequate or no disclosure of structure in the specification that corresponds to “means for” claim elements. The Examiner has not applied any prior art to reject the claims. The following remarks are believed to address each of those rejections.

Rejection Under 35 U.S.C. § 101

Claims 1-12, 14, and 15 have been rejected under 35 U.S.C. § 101 as allegedly not being directed to statutory subject matter. In particular, the Examiner contends that claims 1-12, 14, and 15 are merely ideas or a concept and do not perform any physical transformation in order to produce a concrete result. Applicant respectfully traverses the rejection for the following reason.

In claim 1, the first element recites “providing at least one piezoelectric sensor” and “plotting the signal amplitudes in three-dimensional space and forming a cluster of signal amplitudes,” and “providing instructions to an occupant restraint control system.” Thus, the claimed method is clearly tied to a particular apparatus (sensors) and electronics that perform a specific function. Moreover, the invention is a machine that transforms a particular article

(stress waves propagating through the vehicle) into a particular state or thing (an electronic instruction to an occupant restraint system). Thus, the claimed elements are clearly not drawn to a principle in the abstract sense, but are directed to a specific application of those principles in specific sensor devices and associated electronics. *See In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008). Accordingly, it is respectfully submitted that claim 1, and the claims that depend therefrom, are directed to patentable subject matter. The same arguments apply to independent claims 5 and 14 and the claims that depend therefrom.

Reconsideration and withdrawal of the rejection of the claims under § 101 are respectfully requested.

Rejection Under 35 U.S.C. § 112

Claims 1-4, 14, and 15 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite because the term “appropriate” in claims 1 and 14 is not defined. Claims 1 and 14 have been amended to delete the term “appropriate.”

Claim 13 has been rejected under 35 U.S.C. § 112, second paragraph, for allegedly failing to provide adequate or no disclosure of structure in the specification that corresponds to “means for” claim elements. Claim 13 has been amended to depend from claim 1, and to convert “a means for” terms to specific method steps.

Reconsideration and withdrawal of the rejection of the claims under § 112, second paragraph, are respectfully requested.

Conclusion

If a Petition for an extension of time is require to render this submission timely and is not filed concurrently herewith, it is hereby petitioned under 37 C.F.R. §1.136(a) for such an extension for as many months as are required to render this submission timely. Any fees due in connection with said Petition, or any other fees due in connection with this paper, are authorized. Please charge any deficiency in fees, or credit any overpayment thereof, to BLANK ROME LLP, Deposit Account No. 23-2185 (reference 115584-00368).

Respectfully submitted,



Brian Wm. Higgins
Registration No. 48,443

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BLANK ROME LLP
Watergate
600 New Hampshire Ave., N.W.
Washington, DC 20037
Telephone: 202-772-5800

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